

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:

Gruenberg, M.

Serial No.:

09/824,906

Conf. No.

9764

Filed:

April 2, 2001

For:

AUTOLOGOUS IMMUNE CELL THERAPY: CELL COMPOSITIONS, METHODS AND APPLICATIONS TO TREATMENT OF HUMAN DISEASE

Art Unit:

1644

Examiner:

Unassigned

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents

Washington, D.C. 20231, on this date.

10/05/01

Date

Kelly Fischer

INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE WITH 37 C.F.R. § 1.97-1.98

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Because this Supplemental Information Disclosure Statement is filed before receipt of a First Office Action on the merits for the above-captioned application, no fee is due. If it is determined that a fee is due, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Forms PTO-1449 (16 pages) are provided herewith in connection with the above-captioned application. In accordance with 37 C.F.R. §1.98(d), copies of the references listed on the Form PTO-1449 which have been previously provided in connection with applications U.S. Serial No. 08/700,565

U.S.S.N. 09/824,906
GRUENBERG
Information Disclosure Statement

which is relied upon for an earlier filing date in accordance with 35 U.S.C. §120, are <u>not</u> provided herewith.

The documents listed on the Forms PTO-1449 and supplied herewith are in the English language except for item CX. Item CX (Japanese Patent No. JP 2883201) is in the Japanese language and is supplied with a certified English language translation (item DZ), an English language Derwent abstract describing the subject matter (item EM), and a corresponding International Publication WO 90/05541. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Applicant also makes known to the Examiner the following U.S. and International applications, which are commonly owned and/or have one or more inventors in common.

U.S.S.N.(App. no.)	Filing Date	Docket No.
08/700,565	07/25/96	500B
09/127,411	07/31/98	500C
09/127,142	07/31/98	500D
09/127,138	07/31/98	500E
09/127,141	07/31/98	500F

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

U.S.S.N. 09/824,906 GRUENBERG Information Disclosure Statement

Applicant respectfully requests that the Examiner review the foregoing reference and it be made of record in the file history of the above-captioned application.

Respectfully submitted,

HELLER, EHRMAN, WHITE & MCAULIFFE LLP

By:

Stephanie Seidman Registration No. 33,779

Attorney Docket No. 24731-500G

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FORM PTO-1449 (Modified)	ATTY. DOCKET NO. 24731-500G	SERIAL NO	- N-
LIST OF PATENTS AND PUBLICATIONS FOR	APPLICANT GRUENBERG	H CEN	
STATEMENT	FILING DATE April 2, 2001	GROUP 55 1644 55	
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	AA	3	8	2	1	0	8	7	6/28/74	Knazek <i>et al</i> .	195	127	5/18/72
	АВ	3 8 8 3 3 9 3						3	5/13/75	Knazek <i>et al.</i>	195	1.8	2/11/74
	AC	3	9	9	7	3	9	6	12/14/76	Delente	195	1.8	7/02/73
	AD	4	0	8	7	3	2	7	5/02/78	Feder et al.	195	1.7	4/12/76
	ΑE	4	2	0	0	6	8	9	4/29/80	Knazek <i>et al.</i>	435	2	8/29/78
	AF	4	2	0	6	0	1	5	6/03/80	Knazek <i>et al.</i>	435	2	8/29/78
	AG	4	2	2	0	7	2	5	09/02/80	Knazek <i>et al.</i>	435	285	4/03/78
	АН	4	3	0	1	2	4	9	11/17/81	Markus <i>et al.</i>	435	235	7/23/80
	AI	4	3	9	1	9	1	2	7/5/83	Yoshida <i>et al.</i>	435	241	9/18/80
	AJ	4	5	4	6	0	8	3	10/08/85	Meyers et al.	435	240	4/22/83
	AK	4	6	2	9	6	8	6	12/16/86	Gruenberg	435	1	06/14/82
	AL	4	6	9	0	9	1	5	09/01/87	Rosenberg	514	2	08/08/85
-	АМ	4	7	2	2	9	0	2	02/02/88	Harm et al.	435	284	11/04/85
	AN	4	8	0	4	6	2	8	02/14/89	Cracauer et al.	435	240.242	08/19/87
	AO	4	8	0	8	1	5	1	02/28/89	Dunn, Jr. et al.	604	6	04/27/87
	AP	4	8	4	9	3	2	9	07/18/89	Leung <i>et al.</i>	435	2	04/20/87
	AQ	4	8	6	1	5	8	9	08/29/89	Ju	424	93	03/23/87
	AR	4	8	9	4	3	4	2	01/16/90	Guinn et al.	435	291	09/22/86
	AS	4	9	3	7	0	7	1	06/26/90	Cioco et al.	424	85.2	12/29/87
	AT	4	9	7	1	7	9	5	11/20/90	Longenecker <i>et al.</i>	424	93	07/21/88
	AU	4	9	7	3	5	5	8	11/27/90	Wilson et al.	435	240.242	04/28/88
	AV	4	9	9	9	2	9	8	03/12/91	Wolfe et al.	435	240.242	04/27/88
	AW	5	0	0	2	8	7	9	03/26/91	Bowlin <i>et al</i> .	435	71.1	12/05/89

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: AUTOLOGOUS IMMUNE CELL THERAPY: CELL COMPOSITIONS, METHODS AND APPLICATIONS TO TREATMENT OF HUMAN DISEASE

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FORM PTO-1449 (Modified)	ATTY. DOCKET NO. 24731-500G	SERIAL NO. 09/824,906
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	AX	5	0	1	5	5	8	5	05/14/91	Robinson	435	240.242	02/23/88	
	AY	5	0	4	1	2	8	9	08/20/91	Phillips et al.	424	85.2	11/13/87	
	AZ	5	0	5	7	4	2	3	10/15/91	Hiserodt <i>et al.</i>	435	240.23	12/18/87	
	ВА	5	0	6	1	6	2	0	10/29/91	Tsukamoto <i>et al.</i>	435	7.21	03/30/90	
	ВВ	5	0	6	4	7	6	4	11/12/91	Besnainon et al.	435	285	12/19/89	
	вс	5	1	2	3	9	0	1	06/23/92	Carew	604	5	missing	
	BD	5	1	2	6	1	3	2	06/30/92	Rosenberg	424	93	08/21/89	
	BE	5	1	2	6	2	3	8	06/30/92	Gebhard et al.	435	3	02/15/90	
	BF	5	1	4	7	2	8	9	09/15/92	Edelson	604	4	03/29/90	
	BG	5	1	4	7	7	8	4	09/15/92	Peault	435	7.24	04/12/90	
-	вн	5	1	6	2	2	2	5	11/10/92	Sager et al.	435	240.243	07/15/91	
· · · · ·	ВІ	5	1	8	8	9	6	9	02/23/93	Arai <i>et al.</i>	436	548	06/15/89	
	BJ	5	1	9	2	5	3	7	03/09/93	Osband	424	85.2	08/19/91	
	вк	5	2	0	2	2	5	4	04/13/93	Amiot et al.	435	240.242	10/11/90	
	BL	5	2	2	9	1	1	5	07/20/93	Lynch	424	93	07/26/90	
	вм	5	2	4	2	6	8	7	09/07/93	Tykocinski et al.	424	93	04/25/91	
	BN	5	2	7	7	9	0	7	01/11/94	Loria	424	93	07/24/92	
	во	5	3	1	6	7	6	3	05/31/94	Ochoa et al.	424	85.2	07/10/92	
	BP	5	3	2	6	7	6	3	07/05/94	Gluchowski et al.	514	249	01/29/93	
	BΩ	5	3	7	4	5	4	9	12/20/94	Leung	435	240.2	01/31/91	
	BR	5	3	9	9	3	4	6	03/21/95	Anderson et al.	424	93.21	03/30/94	
	BS	5	3	9	9	3	4	7	03/21/95	Trentham et al.	424	184.1	09/25/92	
	ВТ	5	4	0	9	8	1	3	04/24/95	Schwartz	435	7.24	09/30/93	

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FORM PTO-1449 (Modified)	ATTY. DOCKET NO. 24731-500G	SERIAL NO. 09/824,906			300
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	BU	5	4	1	1	7	4	9	05/02/95	Mayo <i>et al.</i>	424	578	12/23/92	
	ВV	5	4	3	7	9	9	4	08/01/95	Emerson <i>et al.</i>	435	240.2	12/10/93	
	BW	5	4	4	3	9	8	3	08/22/95	Ochoa et al.	435	240.2	03/21/88	
	вх	5	4	5	9	0	6	9	10/17/95	Palsson <i>et al.</i>	435	289.1	01/06/94	
	BY	5	4	6	6	5	7	2	11/14/95	Sasaki <i>et al.</i>	435	2	04/25/94	
	BZ	5	4	7	0	7	3	0	11/28/95	Greenberg et al.	435	172.3	08/08/94	
	CA	5	4	7	6	9	9	7	12/19/95	Kaneshima <i>et al.</i>	800	2	05/17/94	
	СВ	5	4	9	8	5	3	7	03/12/96	Bresler et al.	435	235.1	03/09/94	
	CD	5	5	1	2	4	4	4	04/30/96	Patard <i>et al.</i>	435	6	11/30/94	
	CE	5	5	9	9	7	0	5	02/04/97	Cameron	435	378	11/16/93	
	CF	5	6	0	5	8	2	2	02/25/97	Emerson et al.	435	172.3	12/01/94	
	CG	5	6	2	2	8	5	7	04/22/97	Goffe	435	378	08/08/95	
	СН	5	6	2	7	0	7	0	05/06/97	Gruenberg	435	786.5	07/26/95	
	CI	5	6	3	5	3	8	6	06/03/97	Palsson et al.	435	372	11/02/94	
	CJ	5	6	3	5	3	8	7	06/03/97	Fei <i>et al.</i>	435	378	04/03/95	
-	СК	5	6	3	7	4	8	1	06/10/97	Ledbetter et al.	435	69.6	09/13/93	
	CL	5	6	4	6	0	4	3	07/08/97	Emerson et al.	435	373	03/10/95	
	СМ	5	6	5	6	4	2	1	08/12/97	Gebhard <i>et al</i> .	435	3	02/12/91	
	СМ	5	6	7	6	8	4	9	10/14/97	Sammons et al.	210	806	03/08/95	
	со	5	7	1	8	8	8	3	02/17/98	Harlan <i>et al.</i>	424	9.2	02/17/94	
	СР	5	7	2	8	5	8	1	03/17/98	Schwartz et al.	435	385	06/07/95	
	CΩ	5	7	6	3	2	6	1	06/09/98	Gruenberg	435	286.5	12/05/96	
	CR	5	7	6	3	2	6	6	06/09/98	Palsson <i>et al.</i>	435	289.1	11/07/94	

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FORM PTO	D-1449	(Mo	difie	d)		•			ATTY. [ 24731-	OOCKET NO. 500G	SERIAL 09/824,		_8_
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,	cs	5	7	6	6	9	2	0	06/16/98	Babbit <i>et al.</i>	435	240.1	06/06/95
	СТ	5	5 8 1 1 3 0 1							Cameron	435	372	08/07/96
	сυ	5 8 5 8 3 5 8							01/12/99	June <i>et al</i> .	424	130.1	06/03/94
	cv	5 9 9 4 1 2 6							11/30/99	Steinman <i>et al.</i>	435	325	06/17/94

### FOREIGN PATENT DOCUMENTS

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	cw	0	4	0	5	9	7	2	1/2/91	EPO	A1			
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	cz	9	0	1	5	8	7	7	12/27/90	PCT				
	DA	9	1	0	4	3	1	7	04/04/91	РСТ				
	DB	9	1	1	8	9	7	2	12/12/91	PCT				
	DC	9	3	1	9	7	6	7	10/14/93	PCT				
	DD	9	4	2	2	4	8	9	10/13/94	PCT		-		
	DE	9	4	2	3	7	6	0	10/27/94	PCT		-		
	DF	9	4	2	8	9	1	2	12/22/94	PCT				
	DG	9	4	2	9	4	3	6	12/22/94	PCT				
	DH	9	5	2	9	6	7	3	11/09/95	PCT				
	DI	9	5	3	3	8	2	3	12/14/95	РСТ				
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### DATE CONSIDERED

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Title: AUTOLOGOUS IMMUNE CELL THERAPY: CELL COMPOSITIONS, METHODS AND APPLICATIONS TO TREATMENT OF HUMAN DISEASE

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	DN	9	6	4	0	8	7	6	12/19/96	PCT			
	DO	9	7	0	5	2	3	9	2/13/97	PCT			
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FORM PTO-1449 (Modified)	ATTY. DOCKET NO. 24731-500G	SERIAL NO. 09/824,906	
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE	APPLICANT GRUENBERG		
1 9 2007 STATEMENT	FILING DATE April 2, 2001	GROUP 1644	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

HER ART (Including Author, Title, Date, Pertinent Pages, Etc.)
Certified English language translation of the Japanese Patent No. 2883201
Cesano et al., Reversal of acute myelogenous leukemia in humanized SCID mice using a novel adoptive transfer approach, <u>J. Clin. Invest. 94</u> : 1076-1084 (1994)
Chen et al., Donor T cells can be induced to grow and survive long term in vivo without previous host immunosuppression, <u>J. Immunol. 152</u> : 4767-4774 (1994)
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Chick <i>et al.</i> , Beta cell culture on synthetic capillaries: An artificial endocrine pancreas, Science 187: 847-849 (1975)
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Davis, J.E. et al., "Mass Transfer Between Capillary Blood and Tissues", Chem. Eng. J., 7:213-225 (1974)
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De Jong <i>et al.</i> , Maturation- and differentiation-dependent responsiveness of human CD4 <sup>+</sup> T helper subsets, <u>J. Immunol. 149</u> : 2795-2802 (Oct. 1992)
Del Prete et al., High potential to tumor necrosis factor x (TNF-x) production of thyroid infiltrating T lymphocytes in Hashimoto's thyroiditis: A peculiar feature of destructive thyroid autoimmunity, Autoimmunity 4: 267-276 (1989)
Del Prete et al., Purified Protein derivative of Mycobacterium tuberculosis and excretory-secretory antigen(s) of Toxocara canis expand in vitro human T cells with stable and opposite (type 1 T helper or type 2 T helper) profile of cytokine production, <u>J. Clin.</u>
Invest. 88: 346-350 (July 1991)  RECEIVED

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EXAMINER DATE CONSIDERED TECH CENTER 1600/2900

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FORM PTO-1449 (Modified)		ATTY. DOCKET NO. 24731-500G	SERIAL NO. 09/824,906 S	
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A TRADEMARK	THER ART (Including Author	r, Title, Date, Pertinent	GROUP 1644 CL 1 2 2001  BECH CENTER 600/28	
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EN	Dillman <i>et al.</i> , Continuous interladvanced melanoma, Cancer 68		g lymphocytes as treatment of	
EO	Dillman et al., Continuous interl cancer: A national biotherapy st	eukin-2 and lymphokine-acti tudy group trial, <u>J. Clin. Onc</u>	vated killer cells for advanced ology 9.7: 1233-1240 (1991)	
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	FB	Gaudernack <i>et al.</i> , Isolation of p with monoclonal antibodies dire <u>Immun. Meth. 90</u> : 179-187 (19	ctly conjugated to monosize	T cells positive se d magnetic microsp	lection heres, <u>J.</u>	
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JB	Vandenberghe <i>et al.</i> , Immobilized anti-CD5 together with prolonged activation of protein kinase C induce interleukin 2-dependent T cell growth: Evidence for signal transduction through CD5, Eur. J. Immunol. 21: 251-259 (1991)
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